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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,483	02/10/2004	Robert Worsham	12013/49301	8935
23838	7590	06/15/2006	EXAMINER	
KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005			TADESSE, YEWEBDAR T	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,483

Applicant(s)

WORSHAM ET AL.

Examiner

Yewebdar T. Tadesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 8-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 051806
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of group I in the reply filed on 05/15/2006 is acknowledged.
2. Claims 8-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 05/15/2006.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ransburg (US 2,658,472).

As to claim 1, Ransburg discloses (see Fig 1) an apparatus for electrostatic spray application of a coating material to a target comprising: a target holder (conveyor 11 with spindle 12) which holds a target at a first electrical potential; a coating discharge nozzle body (head 16) formed from an electrically conductive material (see column 3, lines 7-13), the nozzle having a

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nozzle orifice (29) for discharging the coating material; and means (high-voltage source 17) for applying to the nozzle body a second electrical potential to electrostatically discharge the coating material from the orifice toward the target.

With respect to claim 2, Ransburg discloses (see column 3, lines 33-38) a coating material reservoir (source); and a coating material conduit, wherein a first end of the conduit is in communication with the coating material in the coating material reservoir (28), a second end of the conduit (27) is in communication with the nozzle (29 or head 16), and the coating material flows from the reservoir through the conduit and out of the orifice when the second electrical potential is applied to the nozzle body.

As to claims 5-6, in Ransburg the target is capable of being a medical device including a stent and the coating material is capable of containing a therapeutic agent.

5. Claims 1-2 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ransburg (US 2,658,009).

As to claim 1, Ransburg discloses (see Fig 4) an apparatus for electrostatic spray application of a coating material to a target comprising: a target holder (conveyor 24) which holds a target at a first electrical potential; a coating discharge nozzle body formed from an electrically conductive material (see column 3, lines 3-6), the nozzle (12) having a nozzle orifice (discharge edge 16) for discharging the coating material; and means (high voltage 21) for applying

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to the nozzle body a second electrical potential to electrostatically discharge the coating material from the orifice toward the target.

With respect to claim 2, Ransburg discloses (see column 3, lines 21-27) a coating material reservoir (source); and a coating material conduit, wherein a first end of the conduit (20) is in communication with the coating material in the coating material reservoir, a second end of the conduit (15) is in communication with the nozzle, and the coating material flows from the reservoir through the conduit and out of the orifice when the second electrical potential is applied to the nozzle body.

As to claims 5-6, in Ransburg the target is capable of being a medical device including a stent and the coating material is capable of containing a therapeutic agent.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

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Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ransburg '472 or '009 in view of Matsushita et al (US 5,190,588) and Muffoletto et al (US 5,190,588). Ransburg discloses the target electrically connected to a ground potential, but a spark discharge voltage generator connected to the target holder is not taught in Ransburg. Matsushita et al discloses (see Fig 3) a voltage generator (64) in communication with the conveyor (47). Muffoletto et al teaches a method of removing an oxide layer from a substrate by applying a voltage spike. It would have been obvious to one of ordinary skill in the art at the time the invention was made to connect the substrate support to a spark discharge voltage generator in Ransburg when the discharge nozzle is not operating or before coating application is initiated to improve electrical conductivity of the substrate as taught by Muffoletto et al (see Abstract).

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ransburg '472 or '009 in view of Juvinall (2,759,763). Ransburg'472 discloses a source of coating material feeding the tube 27 by positively produced pressure

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(see column 3, lines 33-38), but a pressurized fluid source is not disclosed in '472. Juvinal discloses (see Figs 5-6) a pressurized fluid source (58) in communication with a nozzle (head 40) through passageway (52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a pressurized fluid source in Ransburg '472 and '009 to supply the coating material to the nozzle or head.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yewebdar T. Tadesse whose telephone number is (571) 272-1238. The examiner can normally be reached on Monday-Friday 8:00 AM-4: 30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


YTT